

GAHC010274572023



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : Bail Appln./4456/2023

MWNABILI BASUMATARY
W/O NWJWR BASUMATARY
R/O VILL- BHATARMARI
P.O. AND P.S. KOKRAJHAR (BTR)
DIST. KOKRAJHAR (BTC), ASSAM
PIN-783370
PERMANENT RESIDENT-
VILL- PURADIA
P.O. BALLAMGURI
P.S. BIJNI
DIST. CHIRANG (BTR)
PIN-783393

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR G BAISHYA

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA**

ORDER

Date : 21.12.2023

Heard Mr. G. Baishya, learned counsel for the petitioner. Also heard Mr. R. R. Kausik, learned Additional Public Prosecutor for the State respondent.

This is an application under Section 439 of the Code of Criminal Procedure, 1973, praying for grant of bail to the accused/petitioner, who has been arrested on 28.11.2023 in connection with Kokrajhar P.S. Case No. 390/2023, under Sections 370(1)(2)/328 of the Indian Penal Code *read with* Section 5 of the Immoral Traffic (Prevention) Act, 1956.

Scanned copy of the Case Diary has already been received. Perused the same. Heard both sides.

It is submitted by the learned counsel for the petitioner, Mr. Baishya, that the petitioner is innocent and she is no way involved in the alleged offence. She is a lady having a minor child of 5 (five) years of age and in her absence, there is no one to look after the child. Apart from that, from the contents of the F.I.R., it reveals that the F.I.R. was lodged with the delay of 7 (seven) days and there is no such explanation in the F.I.R. as to why there was delay of 7 (seven) days in lodging the F.I.R. She got arrested on the day of lodging the F.I.R. and since then, she is in custody and thus, the I.O. got sufficient time to interrogate the accused/petitioner keeping her in custody. Accordingly, it is submitted that it is a

fit case where the accused can be enlarged on bail considering the length of detention already undergone by the accused.

In this context, the learned Additional Public Prosecutor, Mr. Kausik, has submitted that there are sufficient incriminating materials in the Case Diary as well as the statement made by the victim in her statement recorded under Sections 161 & 164 Cr.P.C. Apart from that, the accused herself admitted her guilt and from the entire materials in the Case Diary, it reveals that she may be involve in the similar kind of offence and accordingly, at this stage of investigation, the accused should not be enlarged on bail and probability of hampering or tampering the other witnesses in connection with this case also cannot be denied out rightly at this stage. Accordingly, the learned Additional Public Prosecutor raised objection in enlarging the accused on bail.

After hearing the submissions made by the learned counsels for both sides, I have perused the Case Diary and the relevant documents annexed along with the Case Diary. It reveals that there are sufficient incriminating materials in the statement made by the victim under Sections 161 & 164 Cr.P.C. and that apart, the accused also confessed his guilt before the I.O. while recording her statement under Section 161 Cr.P.C. It is a case of human trafficking which is a serious nature of offence and considering the stage of investigation, I find that further custodial interrogation of the accused/petitioner may be necessary to unearth some more facts of the case and accordingly, I am of the view that this is not a fit case where the privilege of bail can be extended to the accused/petitioner at this stage and accordingly, the same stands rejected.

In terms of above, this bail application stands disposed of.

JUDGE

Comparing Assistant